

**THIRTY-NINTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 15, 2007**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 66 members present.

Absent and excused -- Bedke, Boe, Nielsen, Wills.

Total -- 4.

Total -- 70.

Prayer was offered by Representative Nonini.

The Pledge of Allegiance was led by Shaye Seward, Page.

**Approval of Journal**

February 15, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-eighth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

OFFICE OF THE GOVERNOR  
Boise

February 12, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 1, H 2, and H 39**

Very truly yours,  
/s/ C. L. "BUTCH" OTTER  
Governor

OFFICE OF THE GOVERNOR  
Boise

February 13, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and

am transmitting to the Secretary of State the following House Bill, to wit:

**H 9**

Very truly yours,  
/s/ C. L. "BUTCH" OTTER  
Governor

OFFICE OF THE GOVERNOR  
Boise

February 14, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 12, H 13, H 15, H 16, H 17, and H 22**

Very truly yours,  
/s/ C. L. "BUTCH" OTTER  
Governor

OFFICE OF THE GOVERNOR  
Boise

February 14, 2007

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am returning herewith, without my approval, disapproved and vetoed:

**H 8**

within the time limited by law, the same having arrived in the Office of the Governor at the hour 12 p.m. on February 12, 2007.

**H 8** proposes a single change to Idaho Code, Section 63-3061A as it relates to the notice a taxpayer receives when property is seized to satisfy debt for past taxes, interest, and penalties. The change would allow the Idaho State Tax Commission to provide notice to a property owner by first class mail, instead of certified mail.

It is anticipated that the Idaho State Tax Commission could save up to \$25,000 in operation costs under this proposed change. I strongly encourage saving tax dollars and achieving cost savings within state government; however, this specific cost savings is minimal and inappropriate compared with the potential costs to property owners across Idaho.

Idaho has a long tradition of protecting and promoting private

property rights. The Idaho Constitution sets forth the inalienable right to acquire, possess and protect property. This right is paramount to a free and prosperous society. To that end, there are many processes established under state law to protect property and an owner's interests in it.

Title 63, Section 3061A of the Idaho Code is no exception. Two years ago, the Idaho Legislature created a formal process for notifying property owners when their property was to be seized for tax debts. Notice in these situations is critical for property owners to defend any rights or interests in their property, and using certified mail provides greater assurance that notice is actually received.

Although some may argue that the additional cost of using certified mail is unnecessary, it is an appropriate safeguard that we owe property owners. For these reasons, I cannot support diminishing the process established under Title 63, Section 3061A of the Idaho Code as proposed by **H 8**.

Very truly yours,  
/s/ C. L. "BUTCH" OTTER  
Governor

**H 8** with the Governor's Veto Message attached, was filed in the Office of the Chief Clerk.

February 14, 2007

Mr. Speaker:

I return herewith enrolled **H 35** and **H 36** which have been signed by the President.

WOOD, Secretary

Enrolled **H 35** and **H 36** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 14, 2007

Mr. Speaker:

I transmit herewith **SCR 108**, **SCR 109**, **SCR 110**, and **S 1066** which have passed the Senate.

WOOD, Secretary

**SCR 108**, **SCR 109**, **SCR 110**, and **S 1066** were filed for first reading.

#### Report of Standing Committees

February 15, 2007

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 192**, **H 193**, **H 194**, **H 195**, **H 196**, **H 197**, **H 198**, and **H 199**.

CLARK, Chairman

**H 192** and **H 195** were referred to the State Affairs

Committee.

**H 193** and **H 194** were referred to the Judiciary, Rules, and Administration Committee.

**H 196** was referred to the Local Government Committee.

**H 197**, **H 198**, and **H 199** were referred to the Revenue and Taxation Committee.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 94** and recommend that it do pass.

LOERTSCHER, Chairman

**H 94** was filed for second reading.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration **HCR 10**, **SCR 102**, and **SCR 103** and recommend that they do pass.

NONINI, Chairman

**HCR 10**, **SCR 102**, and **SCR 103** were filed for second reading.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 156** and recommend that it do pass.

TRAIL, Chairman

**H 156** was filed for second reading.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **H 147** and recommend that it do pass.

BARRETT, Chairman

**H 147** was filed for second reading.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **HCR 14** and recommend that it do pass.

RAYBOULD, Chairman

**HCR 14** was filed for second reading.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 117**,

**HJM 3**, and **S 1051** and recommend that they do pass.

WOOD(35), Chairman

**H 117**, **HJM 3**, and **S 1051** were filed for second reading.

February 14, 2007

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 4** and **H 34** and recommend that they do pass.

BLOCK, Chairman

**H 4** and **H 34** were filed for second reading.

February 15, 2007

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 179**, **H 180**, and **H 181** and recommend that they do pass.

LAKE, Chairman

**H 179**, **H 180**, and **H 181** were filed for second reading.

February 15, 2007

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 148** and recommend it be referred to the Agricultural Affairs Committee.

LOERTSCHER, Chairman

**H 148** was referred to the Agricultural Affairs Committee.

February 15, 2007

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 184** and report it back with amendments attached to be placed on General Orders for consideration.

LOERTSCHER, Chairman

**H 184** was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

### **Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 16 BY REVENUE AND TAXATION COMMITTEE**

##### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO FISH AND GAME COMMISSION GOVERNING LICENSING.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291,

Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho Fish and Game Commission Rules Governing Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 13.01.04, Rules Governing Licensing, Section 505, relating to Deer and Elk Tag Allocation, Subsection 02.e.i, only, Rules of the Idaho Fish and Game Commission, as adopted as a pending rule under Docket Number 13-0104-0601, be, and the same is hereby rejected and declared null, void and of no force and effect.

#### **HOUSE CONCURRENT RESOLUTION NO. 17 BY REVENUE AND TAXATION COMMITTEE**

##### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DIVISION OF VETERANS SERVICES, RULES FOR THE ENFORCEMENT OF VETERAN'S PREFERENCE IN PUBLIC EMPLOYMENT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Veterans Services for the Enforcement of Veteran's Preferences in Public Employment are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 21.01.06, Rules of the Division of Veterans Services, Rules for the Enforcement of the Veteran's Preference in Public Employment, adopted as pending rules under Docket Number 21-0106-0601 (New Chapter), the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

**HCR 16** and **HCR 17** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**SCR 108**, **SCR 109**, and **SCR 110**, by Health and Welfare Committee, were introduced, read the first time by title, and referred to the Health and Welfare Committee.

Mr. Raybould asked unanimous consent that **HCR 14** be returned to the Environment, Energy, and Technology Committee. There being no objection, it was so ordered.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

**HOUSE BILL NO. 200**  
**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO THE IDAHO SAFE BOATING ACT; AMENDING SECTION 67-7008, IDAHO CODE, TO INCREASE FEES FOR CERTIFICATES OF REGISTRATION OF VESSELS.

**HOUSE BILL NO. 201**  
**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS; AMENDING SECTION 67-6509A, IDAHO CODE, TO PROVIDE THAT A LOCAL GOVERNING BOARD MAY ADOPT A STANDARD THAT PLACES CERTAIN LIMITS ON ROOF REQUIREMENTS OF MANUFACTURED HOMES AND MOBILE HOMES LOCATED OUTSIDE MOBILE HOME PARKS.

**HOUSE BILL NO. 202**  
**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO PUBLIC EMPLOYEE RETIREMENT; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004H, IDAHO CODE, TO PERMIT SCHOOL DISTRICTS TO EMPLOY CERTAIN CERTIFICATED SCHOOL TEACHERS AND ADMINISTRATORS WHO ARE RECEIVING PUBLIC EMPLOYEE RETIREMENT BENEFITS AND TO PROVIDE THE CONDITIONS UNDER WHICH SUCH REEMPLOYMENT MAY OCCUR; AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE THE CONDITIONS UNDER WHICH CERTAIN RETIRED SCHOOL TEACHERS AND ADMINISTRATORS MAY ELECT TO CONTINUE RECEIVING BENEFITS AND NOT ACCRUE ADDITIONAL SERVICE; AND PROVIDING FOR A SUNSET DATE FOR SECTION 1 OF THIS ACT.

**HOUSE BILL NO. 203**  
**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1281, IDAHO CODE, TO STATE THE PUBLIC INTEREST OF THE STATE OF IDAHO AND LEGISLATIVE INTENT, TO PROVIDE FOR DETERMINATION BY THE STATE BOARD OF EDUCATION OF EDUCATOR FIELDS CONSIDERED TO BE "HIGH NEED," TO PROVIDE FOR EDUCATOR ELIGIBILITY CRITERIA FOR APPLICATION TO THE "HIGH NEED" LOAN FORGIVENESS PROGRAM AND FOR LOAN FORGIVENESS AND TO PROVIDE FOR ADMINISTRATION OF THE PROGRAM BY THE BOARD; AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 204**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO DEVELOPMENT IMPACT FEES;

AMENDING SECTION 67-8204A, IDAHO CODE, TO AUTHORIZE GOVERNMENTAL ENTITIES TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH ADDITIONAL DISTRICTS AS SPECIFIED.

**HOUSE BILL NO. 205**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE REGISTRATION OF ANIMAL REMEDIES; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 40, TITLE 25, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR REGISTRATION AND FEES, TO PROVIDE FOR EXEMPTIONS FROM REGISTRATION, TO AUTHORIZE THE IDAHO DEPARTMENT OF AGRICULTURE TO PROMULGATE RULES AND TO PROVIDE FOR CIVIL PENALTIES; AND DECLARING AN EMERGENCY.

**H 200, H 201, H 202, H 203, H 204, and H 205** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1066**, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 106, H 126, H 127, H 128, H 129, and H 73**, as amended, by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

**S 1010 and S 1011**, by Resources and Environment Committee, were read the second time by title and filed for third reading.

**H 28, H 99, and H 136**, by Business Committee, were read the second time by title and filed for third reading.

**H 7**, as amended, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**H 130** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Raybould to open debate.

The question being, "Shall **H 130** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Edmunson, Eskridge,

Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Boe, Clark, Nielsen, Wills. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 130** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 78** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall **H 78** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Boe, Clark, Nielsen, Wills. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 78** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 60** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Pence to open debate.

The question being, "Shall **H 60** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen,

King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Boe, Clark, Nielsen, Wills. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 60** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 58** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **H 58** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Boe, Clark, Nielsen, Wills. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 58** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 85** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer to open debate.

The question being, "Shall **H 85** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barrett, Bayer, Bell, Bilbao, Black, Block, Bock, Bolz, Brackett, Bradford, Chadderdon, Chavez, Chew, Collins, Crane, Durst, Edmunson, Eskridge, Hagedorn, Hart, Harwood, Henbest, Henderson, Jaquet, Killen, King, Kren, Labrador, Lake, LeFavour, Loertscher, Luker,

Marriott, Mathews, McGeachin, Mortimer, Moyle, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ring, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Shively, Smith(30), Smith(24), Snodgrass, Stevenson, Thayne, Trail, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Bedke, Boe, Clark, Nielsen, Wills.  
Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 85** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Moyle moved that the House adjourn until 11:15 a.m., Friday, February 16, 2007. Seconded by Mr. Saylor. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:03 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

PAMM JUKER, Chief Clerk